IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6464 OF 2005

Suhar Vishwanath Bongale. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri P.K.Dhakephalkar i/by Shri Sachin U.Dhakephalkar for the Applicant.

Shri K.V.Saste, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 7th October, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicant and the learned A.P.P. for the State.

2. The offence is under section 376 of the Indian Penal Code registered against the Applicant and other co-accused. The learned Advocate for the Applicant claims bail on the ground of parity on the basis of the order dated 9th September 2005 passed in Criminal Application No.5202 of 2005 by which the co-accused is ordered to be enlarged on bail. He claims bail also on merits. The learned A.P.P. appearing on behalf of the State after going through the relevant documents stated that the case of the Applicant is not different from the case of the Applicant in Criminal Application No.5202 of 2005.

3. After having heard the learned Advocate appearing for the parties and after considering the material on record, a case is made out for grant of bail on the ground of parity. There is no difference in the role ascribed to the present Applicant and the Applicant in Criminal Application No.5202 of 2005. Hence a case is made out for enlarging the Applicant on bail.

4. In view of this, the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.250 of 2005 registered with Kothrud Police Station, Pune, subject to furnishing a personal bond of Rs.15,000/- with one or two local sureties in the like amount.

(ii) Bail is granted subject to the condition that the Applicant will report to the concerned Police Station on every Sunday till conclusion of trial.

(iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

Judge.